

BOARD OF APPEALS CASE NO. 4843

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BEFORE THE

APPLICANT: C. Albert & Jocelyn St. Clair

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ZONING HEARING EXAMINER

**REQUEST: Special Exception to store
school buses in the Village Business District;
1368 W. Jarrettsville Road, Forest Hill**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/19/98 & 8/26/98

HEARING DATE: January 27, 1999

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Record: 8/21/98 & 8/28/98

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ZONING HEARING EXAMINER'S DECISION

The Applicants, C. Albert and Jocelyn St. Clair, appeared before the hearing Examiner requesting a Special Exception to Section 267-53(D)(1) to permit the storage of school buses in a Village Business District. The Applicants had also requested a variance to the minimum 2 acre area requirement when the application was filed. As a preliminary matter at the hearing, the Applicants amended the application and indicated that they had purchased additional land from Harford County to meet the minimum area requirement of 2 acres. Therefore, the only matter before the Hearing Examiner is the Special Exception for storage of school buses in the Village Business District.

The subject parcel is located at 1368 W. Jarrettsville Road in the Fourth Election District. The parcel is identified as Parcel No. 337, in Grid 3-E, on Tax Map 32. The parcel contains 2 acres, more or less.

Mr. C. Albert St. Clair appeared and testified that he is a school bus operator and that his school bus routes are primarily in the northern part of Harford County. The Applicant said that he currently stores his buses at 3805 Norrisville Road, but that his lease has expired on that property. The Applicant said that he has recently purchased the subject parcel, which he feels is an ideal location to operate school buses in that it is in the area of his school bus routes. Mr. St. Clair said that the parking area will be fenced, there will be security lighting and he will comply with whatever screening plan the Department of Planning and Zoning recommends.

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Mr. St. Clair went on to explain that he will not conduct major overhauls on the school buses on the subject parcel, but that he will do normal maintenance such as washing, changing oil and lubricating, etc.

Mr. Gary Ritz appeared and testified that he is a supervisor of transportation for the North Harford area and for Special Education. Mr. Ritz said that the Applicant is a school bus contractor and currently operates 15 buses for the Board of Education. Mr. Ritz said the proposed location is centrally located and has been accepted by the Board of Education.

Mr. Denis Canavan appeared and qualified as an expert in the field of land planning. Mr. Canavan said that the Applicants' proposal is to operate a school bus business on the subject parcel. Mr. Canavan said the buses usually run approximately 180 days per year and do not generally operate at night. Mr. Canavan testified that he has reviewed the Staff Report and Section 267-9(l) of the Code, and he felt that all conditions in that Section are satisfied by the Applicants' proposal. Mr. Canavan went on to testify that there are a number of other bus contractors and commercial businesses in the area of the subject parcel and he said he did not feel the Applicants' operation as proposed would have any greater impact at that location than elsewhere in the zoning district.

The Staff Report of the Department of Planning and Zoning recommended conditional approval of the Special Exception and no Protestants appeared in opposition to the Applicants' request.

CONCLUSION:

The Applicants are requesting a Special Exception to Section 267-53(D)(1) of the Harford County Code, to permit the storage of commercial vehicles in a Village Business District.

Section 267-53(D)(1) provides:

“Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:

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- (a) The vehicles and equipment are stored entirely within an enclosed building or are fully screened from view of adjacent residential lots and public roads.**
- (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.**
- (c) A minimum parcel area of two (2) acres shall be provided. “**

The uncontradicted testimony was that the Applicant will provide whatever screening the Department of Planning and Zoning feels is necessary to screen the school buses from view of adjacent residential lots and public roads. The evidence also indicates that the parcel contains a minimum of 2 acres, pursuant to a deed introduced as “Petitioner’s Exhibit No. 4.”

The Applicant testified that he will not conduct the sales and service of construction and industrial equipment, nor the sale and service of farm vehicles and equipment on the parcel. The Applicants’ expert witness, Denis Canavan, testified that approval of the request to conduct a school bus operation on the subject parcel will not have any greater impact at the proposed location than if approved elsewhere in the zoning district. Mr. Canavan, further, testified that, after reviewing the Staff Report of the Department of Planning and Zoning and visiting the subject parcel, all conditions set forth in Section 267-9(I), Limitations, Guides and Standards”, are satisfied.

Therefore, it is the recommendation of the Hearing Examiner that the Special Exception to store school buses on the subject parcel be approved, subject to the following conditions:

- 1. That the Applicant shall obtain a zoning certificate for storage of the school buses.**
- 2. That the Applicant shall screen the vehicles from adjacent properties and from public roads. The Applicant shall submit a landscaping plan to the Department of Planning and Zoning for review and approval prior to issuance of a zoning certificate.**

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3. That the approval is for the Applicants' use only. The approval will terminate when the Applicants sell, leases or otherwise disposes of the school bus business or the property.
4. The Applicant shall be limited to washing and cleaning and general maintenance of the vehicles, i.e. changing oil, brakes, etc. No major repairs shall be conducted on the site.

Date FEBRUARY 18, 1999

**L. A. Hinderhofer
Zoning Hearing Examiner**